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# FERC Cannot Usurp Bankruptcy Court's Power Over Contract Rejection

Daily Journal

## WRITTEN BY

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**David Kupetz**, Partner in Locke Lord's Los Angeles office, authored an article in Daily Journal outlining the Fifth Circuit's decision in *Gulfport Energy Corp. v. FERC*, addressing whether the Federal Energy Regulatory Commission (FERC) can override a debtor's bankruptcy-law rights and the bankruptcy court's power to reject executory contracts. "Rejection is merely a breach of the contract," Kupetz wrote. "It transforms the debtor's future performance obligations into the counterparty's unsecured claim for damages."

[Read the full article in Daily Journal.](#)